

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

LEAGUE OF CONSERVATION VOTERS  
*et al.*,

*Plaintiffs,*

v.

DONALD J. TRUMP *et al.*,

*Defendants,*

AMERICAN PETROLEUM INSTITUTE  
and STATE OF ALASKA,

*Intervenor-Defendants.*

Civil No. 3:17-cv-00101-SLG

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**DECLARATION OF REGINA A. ASMUTIS-SILVIA**

I, Regina A. Asmutis-Silvia, declare as follows:

1. I am currently and have previously been a member of Defenders of Wildlife.
2. I have lived in Plymouth, Massachusetts for more than 20 years, and have been involved in research on and the conservation of imperiled marine species, including the North Atlantic right, blue, humpback, finback, minke, Sei, pilot, and beluga whales as well as Atlantic white sided, bottlenose, Risso's and common dolphins, harbor porpoise and marine ecosystems for more than 25 years. I have both worked from and vacationed in coastal Virginia since the early 1990s.
3. I enjoy boating, swimming, nature observation, photography, and other pursuits in and around right whale habitat. I also enjoy whale watching and have worked as a naturalist, first mate, and captain on whale watch vessels, providing me with many opportunities to see right



whales and visit their habitat. Over the past 16 years, I estimate that I have made more than 400 sightings of right whales in their natural habitat.

4. I have a master's of science in biology, and, in addition to enjoying and studying whales and dolphins in the wild, I also participate in many activities through which I advocate for the protection and conservation of these species and their habitat.

5. I help to curate a sightings data base of 11 cetacean species found off the East Coast of the United States. I have used these data to comment on and provide supporting evidence for inclusion in NOAA's marine mammal stock assessment reports.

6. I fostered a novel peer-reviewed study to analyze wounds associated with vessel strikes in living humpback whales.

7. I am a founding member of a consortium of researchers whose work documents humpback whales in the mid-Atlantic and Southeast U.S. My data has been used in peer reviewed publications including Population identity of humpback whales (*Megaptera novaeangliae*) in the waters of the U.S. mid-Atlantic states which has been cited by NOAA in its Stock Assessment Reports and Status Review of Humpback Whales.

8. I assisted in the development and implementation of a dedicated cetacean survey off the coasts of Virginia and North Carolina where I documented sightings of humpback whales, harbor porpoise and bottlenose dolphins.

9. I lead a project to protect North Atlantic right whales for Whale and Dolphin Conservation. In the course of this employment, I have worked on a number of right whale-related issues, including: petitioning for an expansion of designated critical habitat under the Endangered Species Act (ESA); requesting that the U.S. Coast Guard consider impacts to right whales before permitting offshore liquefied natural gas facilities off Boston; commenting on the



Mineral Management Service's programmatic environmental impact statement on alternative energy and alternate use regarding potential impacts to right whales; submitting a formal request to Congress for funding of right whale programs; taking action to reduce impacts to right whales from the proposed Underwater Sea Warfare Training Site off Jacksonville, Florida, the only known calving area for the species; commenting on the Department of Transportation's programmatic environmental assessment on a proposed marine highway program; submitting comments to the National Marine Fisheries Service (NMFS) on the ESA five-year status review for the North Atlantic right whale; and working to reduce the risk of ship strikes to right whales during the Volvo Ocean Race, an international sailing race that re-routed its course in 2009 to avoid right whale habitats and the Stellwagen Bank National Marine Sanctuary.

10. In addition, I have worked to reduce the risk of ship strikes to right whales by assisting in efforts to challenge NMFS' failure to implement speed restrictions. I have met with staff at the Office of Management and Budget to provide information regarding the implementation of the North Atlantic right whale ship strike rule. I spearheaded a campaign to ensure the ship strike rule was made permanent subsequent to its scheduled sunset in December of 2013.

11. I am a member of the Atlantic Large Whale Take Reduction Team, a stakeholder group convened under the Marine Mammal Protection Act to advise NMFS on reducing right whale mortality caused by U.S. fisheries, particularly the lobster fishery and other trap/pot fisheries as well as gillnet fisheries. In this capacity, I advocate for fishing practices that reduce the risk of entangling right whales. These efforts led to a rule requiring sinking ground line in fixed fishing gear and the reduction of vertical lines used in trap/pot gear. Among other issues, I have provided input on: the process of certification of the Atlantic fishery for spiny dogfish and



its impacts on right whales; Regulatory Amendment 9 to the Fishery Management Plan for the Snapper-Grouper Fishery and potential impacts to right whales; and restricting the use of gillnetting in the southeastern calving habitat for right whales.

12. I am a member of the Harbor Porpoise Take Reduction Team, a stakeholder group convened under the Marine Mammal Protection Act to advise NMFS on reducing harbor porpoise mortality caused by U.S. fisheries, particularly the gillnet fisheries operating in the mid-Atlantic and Gulf of Maine. In this capacity, I advocate for fishing practices that reduce the risk of entangling harbor porpoise. These efforts led to a reduction in bycatch of harbor porpoise below the Potential Biological Removal level.

13. I am a member of the North Atlantic Right Whale Consortium, through which I contribute data for research and have helped to create outreach programs to increase awareness of North Atlantic right whales.

14. I provide lectures to school children using whale and dolphin artifacts and a life-size inflatable right whale to emphasize the need for conservation of these species.

15. The photographs I have taken of whales and dolphins are used regularly in books, news articles, and blogs, some of which have international reach.

16. I have taught marine mammal science, including lessons on right and humpback whales, to high school and college students; trips to whale habitat are often part of that curriculum.

17. I am a member of the International Fund for Animal Welfare's and the New England Aquarium's Stranding Networks and have participated in rescues and necropsies of North Atlantic right, humpback, and minke whales, as well as a number of dolphin species.



18. I implement a program for commercial whale watch operators in New York, New Jersey, and Virginia, which includes providing operators with information on identifying species and how to report sightings of North Atlantic right whales to NMFS.

19. I have used my vessel to assist NMFS in documenting out of season and out of habitat sightings of North Atlantic right whales.

20. I enjoy watching right whales from the coast of Massachusetts during the late winter and early spring each year and welcome the occasional sightings of these whales at other times of the year. The whales that I see in coastal areas in the Gulf of Maine and along the East Coast are the same whales that utilize deep water canyons that were protected by President Obama. With such a small population of right whales remaining, impacts in one critical area of their range will be felt throughout their range and could reduce my ability to observe them in the wild.

21. I help administer a Facebook page dedicated to the protection and preservation of the North Atlantic right and North Atlantic humpback whales.

22. I have written articles and created educational presentations about the benefits of the recovery of whale populations, including North Atlantic right whales, and how whales play a role in supporting the abundance of fish stocks and in fighting the effects of climate change.

23. President Obama's decision to withdraw nearly 4 million acres of the Atlantic continental shelf break, running from Heezen Canyon offshore New England to Norfolk Canyon offshore the Chesapeake Bay, from oil and gas development was a tremendous conservation achievement. These underwater canyons are major biodiversity hotspots that provide habitat for deepwater corals, deep diving beaked whales, and many commercially valuable fishes and crabs.



In taking this action, President Obama cited the dangers of oil and gas exploration and development to both coastal communities and sensitive marine resources.

24. President Trump's recent decision to undo this conservation legacy concerns me greatly. Oil and gas development can harm marine mammals, birds, and fish at every stage of its development from pre-lease seismic surveys to drilling activities to the heightened risk of devastating oil spills.

25. For example, seismic surveys are a high-risk activity for marine animals. I am deeply concerned about how disorienting and harmful seismic surveys will be for cetaceans. Based on my knowledge of these species, I am gravely concerned that seismic survey activities will seriously injure or cetaceans, interfere with their ability to migrate and find food, cause them to move into areas where they may be at higher risk of entanglement and/or ship strikes, or increase their stress levels which can suppress their immune systems and ability to reproduce. Given the extremely limited number of surviving right whales (around 500 individual animals), I am particularly worried about the impact of seismic surveys on this vulnerable population's ability to survive and recover. Any decreased likelihood of the right whale's survival and recovery will adversely affect my enjoyment of watching and working with this species.

26. I have actively opposed seismic testing in cetacean habitat. I am concerned that federal permits allowing companies to conduct seismic surveys are likely to lead to adverse impacts to cetaceans. I am concerned that these impacts will make it harder for me and other people who deeply value the oceans to see and cetaceans and other wildlife when out in the water or on the coast.



27. I am also concerned about the potential adverse impacts of seismic exploration and subsequent fossil fuel extraction to coastal economies, particularly to the thriving whale and dolphin watching businesses with which I regularly interact.

28. Beyond the impacts of seismic exploration, the act of oil drilling in these fragile deepwater canyons is fraught with peril for marine life. A catastrophic spill, along the lines of the Deepwater Horizon disaster in the Gulf of Mexico, could devastate right whales and marine life in the region, not to mention the economies of coastal communities from Plymouth, MA where I live, to Cape Cod, Long Island, the Jersey shore, the Delmarva peninsula, and down to the Outer Banks of North Carolina.

29. Continued reliance on oil and gas development also will exacerbate climate change, which is already having significant impacts in the Arctic and the North Atlantic. Additional emission of carbon pollution from fossil fuels could lock in warming trends that cannot be easily reversed. Indeed, scientists now predict that the northeast Atlantic could warm three times as rapidly as the ocean at large, with potentially devastating impacts for marine species and the ecosystem of that region.

30. Protecting the outer continental shelf benefits the ocean and the marine species that I care about, particularly North Atlantic right whales. If President Trump's decision to allow seismic exploration and oil and gas development along the Atlantic coast stands, I would have extreme concerns about everything I expressed above, including the effects to the ocean environment and marine life, particularly North Atlantic right whales.

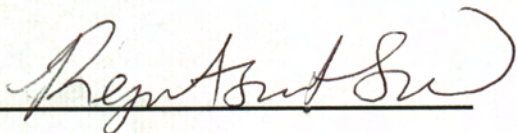
31. President Obama's decision to withdraw these areas from the outer continental shelf leasing program prohibits leasing and reduces incentives for seismic surveys. I understand that the Bureau of Ocean Energy Management recently denied applications for permits to



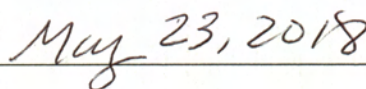
conduct "deep-penetration seismic surveys" and that the applicants are challenging these denials at the Interior Board of Land Appeals. Right now, the Bureau's decisions not to issue these permits benefits the ocean and the marine species that I care about, particularly North Atlantic right whales. If the Interior Board reverses or alters the Bureau's decisions not to allow seismic surveys, these species and my interest in them will be harmed.

32. I do not believe either seismic exploration or the subsequent drilling for oil in the Atlantic can be accomplished safely without impacting right whales and other marine species. For a species like the right whale, drilling along its migratory corridors could literally be a death sentence. If this Court were to reject President Trump's attempt to undo President Obama's withdrawals of these areas under the Outer Continental Shelf Leasing Act, that would help address my concerns.

I declare under penalty of perjury that the foregoing is true and correct.



Regina Asmutis-Silvia



Date